

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 621(a)(1) of the Cable)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended)	
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	

COMMENTS OF MID MICHIGAN AREA CABLE CONSORTIUM

The Mid Michigan Area Cable Consortium appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking ("FNPRM") in the above-referenced docket. The Mid Michigan Area Cable Consortium is a group of local communities in Mid Michigan. Current membership includes Arcada Township, City of Clare, City of Harrison, City of Ithaca, City of Mt. Pleasant, Pine River Township, City of St. Louis, and the Charter Township of Union. The Consortium operates the MAC TV Network, a series of Public, Education and Governmental(PEG) on the Charter Communications cable network. There are 2 public channels for our viewing area, which represents 58,499 residents, then specific education and government channels are split by the 3 counties in that area. The content on these channels is a wide variety of local government, to community based events, local sports, church services, volunteer produced programs and much more. We strongly oppose the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees.

One of the main reasons the Mid Michigan Area Cable Consortium strongly opposes this is because of the effect it would have on local public access media like ourselves. The Consortium's budget comes from the Franchise Fees paid to the local communities from Charter

Communications. If Charter were allowed to charge in-kind contributions as franchise fees they could consider providing the channel space as one of these contributions. With no independent verifiable source to evaluate the cost of that channel space Charter could eliminate all franchise fees going to the local communities. Not only would this effect the Consortium's budget catastrophically it would also eliminate the funding that the local communities rely on and get in exchange for allowing Charter to use the public Rights of Way. With less resources for the Consortium the local communities would lose a valuable resource that helps provide transparency in local government and maintain the integrity of our Rights of Ways. Valuable programming to the public would disappear as well, as would the public's ability to have their own say in the content and media available for the local communities.

We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or a third-party PEG provider, rather than for the public or the cable consumer. As demonstrated above, the Mid Michigan Area Cable Consortium provides valuable local programming that is not otherwise available on the cable system or in other modes of video delivery such as satellite. Yet the Commission tentatively concludes that non-capital PEG requirements should be considered franchise fees because they are, in essence, taxes imposed for the benefit of LFAs or their designated PEG providers. By contrast, the FNPRM tentatively concludes that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The FNPRM then requests comment on "other requirements besides build-out obligations that are not specifically for the use or benefit of the LFA or an entity designated the LFA and therefore should not be considered contributions to an LFA."¹ PEG programming fits squarely into the category of benefits that do not accrue to the

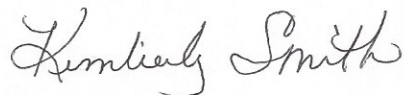
¹
FNPRM ¶ 21.

LFA or its designated access provider, yet the Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public at large.

We invite the Commission to view for themselves the important benefits provided by local content in PEG programming. The link below is to a video created by the Mid Michigan Area Consortium in which staff detail the process to register to vote for the primary elections in Michigan. They take the viewer step by step through the process in each of the three counties that can view the channels. These videos help the community through a process that can sometimes be confusing or hard to understand. Here is the link for Isabella County:
<https://vimeo.com/278724039>

We appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kimberly Smith".

Kimberly Smith
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